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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,970	03/19/2001	Thomas Zermani	MCA-508 US	9265

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EXAMINER

OCAMPO, MARIANNE S

ART UNIT PAPER NUMBER

1723

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Applicant No.

09/811,970

Applicant(s)

ZERMANI ET AL.

Examiner

Marianne S. Ocampo

Art Unit

1723

--The MAILING DATE of this communication appears on the cover sheet with the corresponding address--

THE REPLY FILED 17 July 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 25.

Claim(s) rejected: 1-6, 10-12, 16, 24 and 26.

Claim(s) withdrawn from consideration: _____.

8. ☒ The proposed drawing correction filed on 17 July 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

ATTACHMENT TO ADVISORY ACTION

Response to Proposed Amendments after Final

1. The proposed amendments after final filed on 7-17-03, have been not entered because the proposed amendments raise new issues that would require further consideration and search and are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. In particular, the proposed amendments which amended the base claims 1 and 26 and introduced new claim 27 (which contained features of claim 25 including the limitations of proposed claim 1 and made into an independent claim), such that claims 1 and 26 - 27 are now broader in scope than their (latest) current version in which the rejections in the final action has been based on. In response or remarks portion of the proposed amendments after final, applicants tried to persuade the examiner that by deleting the limitation, **“formed continuously from at least a portion of an inner wall of the well and wherein the interlock remains attached to and as a portion of the inner wall”** from the proposed base claims 1 and 26 - 27, would eliminate any confusion or clear up the definition of what is considered to be “a skive”. This is not true. First of all, the examiner has taken the definition of what a “skive” is from applicants’ own disclosure (see page 2, paragraphs 1 – 2), where it is clearly disclosed that the so-called “skive” (i.e. mechanical interlock) of the claimed invention is portions of the wall that *have been skived or peeled from the wall without breaking off until it is in contact with the filter to fix the filter in place* (see specification page 2, paragraph 1, lines 3 –

5) and/or *a portion of the inner surface of the wall skived and rolled along the wall* until it reaches a desired location (i.e. location of the filter) where it forms a *mechanical crimp* to retain the filter within the device (see page 2, paragraph 2, lines 4 – 5). Furthermore, the proposed amendments also broaden the scope of claims 1 and 26 - 27 in that the interlock does not necessarily have to be formed of the same material as the well, in other words, it could still be a peeled and rolled material bonded or attached to the vicinity of the filter and does not have to be of plastic material, if applicants are insisting that the product in claims 1 and 26 - 27 do not include the process in which the “skive” is being made from. In the proposed new claim 27, it would not be allowable since the skive as mentioned above, does not necessarily have to be formed of the same material as the well, in other words, it could still be a peeled and rolled material bonded or attached to the vicinity of the filter and does not have to be of plastic material, and Zermani (applied prior art/primary reference) has disclosed in page 6 of the specification, lines 17 – 18 that more than one filter could be placed in a single well which would be arranged on top of each other (i.e. sequentially arranged in the well).

2. See 37 CFR 1.193(a)(2) which provides for the inclusion of the proposed rejections detailed below in the Examiner's Answer if applicant elects to file an appeal to the Board of Patent Appeals and Interferences in this proceeding. To be complete, such rejections must be addressed in any brief on appeal.

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Claims 1 – 6, 10 – 12, 16 and 24 - 26 would be rejected for the reasons set forth in pages 4 - 12 of the final Office Action mailed 5-8-03. Claim 25 which has been indicated to contain allowable subject matter would be objected since it depends from a rejected claim (i.e. claim 1).


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

5. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


M.S.O.

August 1, 2003


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700